



**REGULAR MEETING OF CITY COUNCIL HELD
MONDAY, FEBRUARY 22, 1999**

Mayor Davis called the meeting to order at 8:02 p.m.

ROLL CALL was answered by Edward V.J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White and by Judith F. Davis, Mayor.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert Manzi, City Solicitor; W. Bowman Ferguson, Management Analyst and David E. Moran, City Clerk.

Mayor Davis observed a moment of silence for Catherine Walton and Pat McHale. Then, she led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Putens moved approval of the consent agenda. Mr. White seconded. The motion passed 5 to 0.

COUNCIL THEREBY TOOK THE FOLLOWING ACTIONS:

MINUTES:

- Work Session, February 1, 1999
- Work Session, February 3, 1999
- Work Session, February 8, 1999
- Regular Meeting, February 8, 1999

Approved as presented.

COMMITTEE REPORTS:

Advisory Committee on Education Report #1-99: Council accepted this report and authorized staff to draft a letter of support with amendments for the Mayor's signature.

Advisory Planning Board Report #99-01: Council accepted this report and considered the matter later on the agenda.

Community Relations Advisory Board Report: Council accepted this report and considered the matter later on the agenda.

AWARD OF CONTRACT - POLICE HVAC SYSTEM: Council awarded the contract to Commercial Air in the amount of \$72,065.

RESIGNATION FROM ADVISORY COMMITTEE ON EDUCATION: Council accepted Ms. Brune's resignation with regret and directed staff to prepare the appropriate letter of appreciation for the Mayor's signature.

APPOINTMENTS TO ADVISORY BOARDS AND COMMITTEES: Council made the following appointments:

Lester Whitmer Board of Appeals

Fred Gasper Recycling Advisory Committee

Arlene Shpiegelman Park and Recreation Advisory Board

Staff was directed to prepare the appropriate appointment letters.

APPROVAL OF AGENDA: Mr. Putens moved that the agenda be approved. Mr. Turnbull seconded. The motion passed unanimously.

PRESENTATIONS:

ACE Educator Awards Ceremony: Leta Mach, Chair of the Advisory Committee on Education (ACE), explained the program and noted some of the other activities that ACE undertakes throughout the year. County Councilwoman Audrey Scott expressed support for the program. Ms. Mach introduced the 1999 award recipients from each of the schools and Council presented each awardee with a certificate. The following individuals were recognized:

Kelly Noxon Greenbelt Elementary
Yvonne Speight Magnolia Elementary
Chris Wichtendahleau Springhill Lake Elementary
Mary Elizabeth Whelan St. Hugh's School
Janice Elliott-Banks Greenbelt Middle School
Sally Long-Hawkins Goddard Middle School
Cheryl Gerring Eleanor Roosevelt High School

Mayor Davis thanked everything for attending. She thanked ACE for putting the program together.

PETITIONS AND REQUESTS: Sheldon Goldberg of 7848 Jacobs Drive raised a concern about a newspaper clipping stating that a Metro purple line would be created.

ADMINISTRATIVE REPORTS: Mr. McLaughlin noted that work had begun on the Roosevelt Center renovation project. He also referenced legislative items that were discussed by the MML Legislative Committee. Mr. White discussed SB 363 - Employee Pensions - which would allow municipalities to participate in the enhanced pension benefits; SB 425 - Youth Services Bureau Funding and SB 557 - Electric Utility Deregulation Mr. Moran reported on a notice that the County Board of Election would be sending out regarding the upcoming Special Election.

Emory Harman, representing Senator Green apologized for being late and noted that he had proclamations for each ACE Educator awardee.

Mayor Davis expressed concern about the street lights on Hanover Parkway being out again. She stated that the situation was unacceptable and asked what steps could be taken. Mr. McLaughlin suggested a strong letter or meeting with Pepco

Mr. Ferguson announced the next film festival, "the fabulous fifties," at the Greenbelt Theater. He announced that the theater owner and FOGT were planning to continue the festival program after the arrangement with the city ends.

Mayor Davis announced that Cub Scout Pak 202 celebrated their 52 year anniversary. She announced that she had been appointed to the Metropolitan Washington Council of Governments Strategic Planning Committee.

Mr. White moved that item 21 be taken out of order. Mr. Turnbull seconded. The motion carried 5 to 0.

GREEN RIDGE HOUSE PARKING: Mayor Davis read the agenda comments.

Terri Hruby, Community Planner, showed the Alternative 1 plan and provided a quick overview. She also reviewed the new planting plan for the area between the retaining wall and 20 Court.

Mayor Davis asked if the cherry tree being lost could be moved back. Ms. Hruby agreed to investigate this.

Mr. Roberts asked about the tree replacement ratio. Ms. Hruby noted it was 2 to 1 on the service side and 1 to 1 in the rest of lot. Mr. Roberts was concerned that the city did not have GHI's permission to enter their property.

Mr. White asked about maintenance of the buffer. Ms. Hruby believed that it was in the city's best interest to maintain the buffer.

Mr. Turnbull chided the Council for discussing construction before management. Mayor Davis stated that she fully intended to discuss management before taking a vote. Ms. Davis asked Ms. Hruby to review the parking management proposals. Ms. Hruby summarized the management proposals that staff was recommending.

Mayor Davis noted that GRH had expressed concern about opening the lot during the day. Ms. Hruby responded that staff's assessment differed with the Green Ridge house residents.

Mr. Turnbull asked about enforcement. Ms. Hruby responded that the city would continue its enforcement effort and would use a complaint system to supplement that.

Mayor Davis expressed concern about the differences in the types of permits displayed by vehicles in the lot. Mr. Ferguson noted that window decals had been re-issued recently. Mayor Davis stated that this new permit was hard to see.

Mr. Roberts asked about the number of permits. Ms. Hruby responded that 47 had been issued. Mr. Roberts asked about efforts to inform prospective tenants about parking policies. Ms. Hruby noted that parking policies would be provided to prospective tenants. Mr. Roberts also asked about a permit cap. Ms. Hruby noted that staff did not favor a permit cap because it would displace cars onto Ridge Road. Mr. Roberts asked about the cost of a car sharing program. Ms. Hruby indicated that she didn't have cost estimates, but it would be the cost of the vehicle, insurance, and staff to manage the program. Mr. Roberts believed this program would succeed and believed that it would grow on people. He believed that the city needed a more aggressive management program.

Mr. Turnbull agreed that programs needed to be embraced by Green Ridge House residents. He believed that the car sharing program was innovative and believed it might help some residents gain mobility, who don't currently have cars.

Mayor Davis asked that the management plan come back to Council after 1 year including a plan for a car sharing program with costs. Mayor Davis asked about how a person might lose a permit. Ms. Hruby stated that staff could review the permits on an annual basis and require a person to recertify their paperwork. Mr. Ferguson noted that anyone who did not comply with the management guidelines would be able to have a permit.

Mr. White moved that Council approve the implementation of a modified version of the Parking Management Approach I (optimizing the use of the existing parking lot) outlined in the Parking Management Report dated January 1999. This approach would include the following: a mandate that all cars be moved on a weekly basis, require a permit to park between the hours of 5:00 p.m. and 7:30 a.m., ensure permit procedures require residents to show proof of car ownership and certification that they are sole users of the vehicle, require that requests for reserved parking spaces be reviewed and approved by management, develop 6 month re-evaluation procedures for reserved parking spaces, and draft a formal set of parking policies to be distributed to pre-renters. Also, it is proposed that parking management options be reviewed on an ongoing periodic basis, in order that they may be modified, if needed, as situations change. He also moved that Council approve the expansion of the existing Green Ridge House parking lot to 55 spaces (Alternative I), including the additional planting plan prepared by staff to address the loss of vegetation that would occur along the west side of the service drive. The motion included the following additions: review the management program after a year, maintenance of the buffer area between GRH and 20 Court, and revocable permits. Mr. Putens seconded.

Mr. Roberts requested that staff be required to bring forward a car sharing proposal. Mr. White favored pursuit of the car sharing program being included in the motion.

Mr. Putens expressed concerns about the costs of a car sharing program. Mr. White noted that his intent was to give staff direction to proceed on a car sharing program. It was his expectation that the particulars would be brought back to Council.

Mr. Roberts reiterated that the management plan was weak without the car sharing program. He asked about using GRH funds for the program. Mr. McLaughlin responded that staff would check into this and indicated he was optimistic.

Mr. Turnbull noted that APB had favored a parking permit cap. He believed that staff's logic was flawed and that the city needed to create a scarce resource. He asked that the motion include a parking permit cap.

Mr. White believed that a permit cap would likely force cars onto the street and did not want that to occur. Mr. Putens also agreed.

Mr. Turnbull agreed that he didn't want to push GRH's problems onto the street, but believed that issuing permits for spaces that didn't exist was not good. Mr. Roberts did not understand the philosophy of issuing permits for non-existing spaces. He believed not issuing permits may encourage a new resident to reconsider moving in or choosing to give up their vehicle because of available alternatives.

Mr. Turnbull stated that the city needs to manage things before they call out the bulldozers. He requested that the motion be withdrawn and remade so that he could vote for the management portion. Mr. White noted that the proper request was for division of the motion.

Mr. Turnbull moved for division. Mr. Roberts seconded. Council asked for staff to research the proper procedure for handling division.

Jim Cassells suggested an alternative for constructing spaces that he believed would solve the problem.

Bob Auerbach stated that he was reconciled to losing trees within the lot. He didn't like the idea of losing trees between GRH and 20 Court. He favored a modified parking fee plan and suggested that everyone currently in GRH be grand-fathered. Mr. Auerbach believed this would help the parking situation in the future.

Julia Eichhorst of 3 Court Research, requested that Council look at an incremental construction. She also stressed the desire to work with the city to look at permit parking along Ridge and elsewhere.

Hopi Auerbach of 14-X Ridge Road, requested that council implement the management options first. She also asked that Council consider management options prior to discussing construction.

Mr. Manzi noted that the Council's Standing Rules allowed a member to request division of a question and the chair of the Council to decide the request. Ms. Davis agreed to divide the question and agreed to vote on the management options first.

The motion for parking management motion passed 5 to 0. The construction motion, including saving the spruce tree, and looking at adding spaces at the top of the lot passed 4 to 1 (Turnbull)

Ms. Eichhorst commended Terri Hruby for all of her efforts. Mayor Davis thanked everyone for coming out to all of the meetings.

AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 5 "CABLE TELEVISION" OF THE GREENBELT CITY CODE TO REVISE THE PROCEDURES AND REQUIREMENTS RELATING TO CABLE TELEVISION FRANCHISES TO REFLECT CHANGES IN APPLICABLE LAW AND TO BETTER ENSURE THAT USE OF PUBLIC RIGHTS-OF-WAY BY CABLE SYSTEMS SERVES THE PUBLIC INTEREST.

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Ordinance for first reading and suspension of the rules. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Mr. Putens introduced the above titled Ordinance for second reading and adoption. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1174. Book No. 11)

AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO JONES COMMUNICATIONS OF MARYLAND INC. ("FRANCHISEE") TO CONSTRUCT OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CITY OF GREENBELT, MARYLAND; APPROVING A FRANCHISE AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN THE FRANCHISE AGREEMENT ON BEHALF OF THE CITY

Mayor Davis read the agenda comments. Mr. Roberts introduced the above titled Ordinance for second reading and adoption. Mr. Putens seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes

Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1175. Book No. 11)

A RESOLUTION OF THE CITY OF GREENBELT GRANTING THE CONSENT OF THE CITY COUNCIL TO THE ASSIGNMENT AND TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE AND CABLE TELEVISION SYSTEM FROM JONES INTERCABLE, INC., TO COMCAST CORPORATION

Mayor Davis read the agenda comments. Mr. Turnbull introduced the above titled Resolution for first reading and suspension of the rules. Mr. Putens seconded.

Mayor Davis asked about the date change. Ms. Palau responded that the date had been changed to accommodate the County and other municipalities that might need more time to execute the agreement.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Mr. Turnbull introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 886. Book No. 7)

AN ORDINANCE TO AMEND CHAPTER 4, "BUILDINGS AND BUILDING REGULATIONS" OF THE GREENBELT CITY CODE FOR THE PURPOSE OF ALLOWING THE CITY TO UPDATE AND REVISE CERTAIN PROVISIONS OF THE CODE

Mayor Davis read the agenda comments. Mr. Roberts introduced the above titled Ordinance for second reading and adoption. Mr. White seconded.

Mayor Davis noted that the ordinance contained the non-resident provisions.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared passed. (Ordinance No. 1176. Book No. 11)

AN ORDINANCE TO AMEND CHAPTER 10, "LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS". OF THE GREENBELT CITY CODE BY ADDING A PENALTY FOR FAILING TO OBTAIN A CITY LIQUOR LICENSE

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Ordinance for second reading and adoption. Mr. White seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1177. Book No. 11)

AN ORDINANCE TO AMEND CHAPTER 18, "STREETS AND SIDEWALKS" OF THE GREENBELT CITY CODE FOR THE PURPOSE OF ALLOWING THE CITY TO UPDATE AND REVISE CERTAIN PROVISIONS OF THE CODE

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Ordinance for second reading and adoption. Mr. Roberts seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared passed. (Ordinance No. 1178. Book No. 11)

A RESOLUTION TO CONTINUE THE COMMUNITY MEDIATION SERVICE

Mayor Davis read the agenda comments. Mr. White introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

Mayor Davis noted that CRAB had recommended in favor of continuing the program. Ms. Auerbach noted that the program was widely used when Ms. Havekost was here. Mr. McLaughlin noted that Connie Harris, the city's Human Resources Officer, was a trained mediator and would be coordinating the rejuvenated program.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 887. Book No. 7)

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF SERVICES FOR THE
TREATMENT AND RESTORATION OF THE MOTHER AND CHILD STATUE

Mayor Davis read the agenda comments which covered all three resolutions. Mr. Putens introduced the above titled Resolution.

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF SITE FURNISHINGS FOR THE
ROOSEVELT CENTER MALL

Mr. White introduced the above titled Resolution.

A RESOLUTION FOR THE NEGOTIATED PURCHASE OF PAVING AND CONCRETE
WORK FOR THE RENOVATION OF THE ROOSEVELT CENTER MALL

Mr. Turnbull introduced the above titled Resolution.

GRAVEL PATH AT SCHROM HILLS PARK: Mayor Davis read the agenda comments. Ms. Craze reviewed the master plan for Schrom Hills Park and summarized the proposal to construct the path. She noted that this would complete the Hanover Parkway path.

Ms. Davis noted that this was not the final trails plan for Schrom Hills Park. Ms. Craze stated that APB and PRAB were looking at additional links to connect to neighborhoods. Mr. Roberts expressed opposition to any path going through the undisturbed portion of the park.

Mr. Turnbull liked the unpaved nature of the runway path and asked about other sidewalk potentials along Hanover Parkway. Ms. Craze described the terrain along Hanover Parkway and the difficulty in constructing a sidewalk.

Mr. McLaughlin noted that this plan had been under consideration for a long time.

Mr. White moved that Council authorize construction of this path. Mr. Putens seconded.

Mayor Davis asked if the City could make a plaque or presentation noting that the path used to be a runway. Ms. Davis asked about the memorial proposal. Mr. McLaughlin responded that CRAB was still working on this issue. Ms. Davis asked about the weeds around the deer and requested that the city look at landscaping around the deer.

Mr. Roberts noted that the path was not a gravel pathway, but was really pavement. He asked about future proposals for paths. Ms. Craze responded that Council would be seeing proposals for a variety of paths. Mr. Roberts expressed a desire for blue chip stone instead of millings.

Mr. Turnbull asked if there was an example of millings elsewhere in the city. Ms. Craze was not aware that millings had been used elsewhere. She stated that it was staff's intention to have a hard surface.

Mr. Putens stated that the path was designed for people with baby strollers, etc.

Mr. Roberts wanted an assurance that this was the end of the paved surface. Ms. Davis noted that this was always part of the plan to consider other links and paths connecting to neighborhoods.

Mr. White reiterated that the Master Plan for Schrom Hills Park includes paths. He noted that the ecosystem in the woods was unique and no one wanted to harm it.

Mr. Turnbull indicated that he would be more comfortable with a crushed stone surface and would also be more comfortable putting off this decision until other options could be evaluated.

Mayor Davis was not in favor of a walkway along Hanover Parkway. Mr. White agreed.

The motion passed 3 to 2 (Turnbull, Roberts).

APPROVAL OF RECLASSIFICATION REQUESTS: Mayor Davis read the agenda comments. Mr. Moran noted that the agenda comments incorrectly titled this item as "acceptance" and should be "approval."

Mr. Putens moved that Council approve the amended job descriptions. Mr. Turnbull seconded. The motion passed 5 to 0.

ACCEPTANCE OF JOB DESCRIPTION - PARK RANGER I: Mayor Davis read the agenda comments.

Mr. Turnbull moved that Council approve the job description. Mr. White seconded.

Mr. Turnbull expressed concern that the park ranger's description contains use of a motor vehicle and wanted to make sure that this would not come back as a request for a vehicle. Mr. McLaughlin responded that this position would utilize an existing vehicle or possibly a seized police vehicle.

The motion passed 5 to 0.

AUTHORIZATION TO FILE LAWSUIT: Mayor Davis read the agenda comments.

Mr. Putens moved that Council authorize the filing of the lawsuit. If Council approves, the attorneys will make a public presentation on the lawsuit at Council's next meeting, March 8. Mr. Roberts seconded. The motion passed 5 to 0.

MEETINGS: Council directed staff to try and schedule the bus system public hearing on March 31 or April 14.

ADJOURNMENT: Mr. White moved to adjourn the meeting. Mr. Turnbull seconded. The motion carried 5 to 0. Mayor Davis adjourned the regular meeting of February 22, 1999, at 11:57 p.m.

Respectfully Submitted,
David E. Moran, CMC
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held February 22, 1999."

Judith F. Davis
Mayor